

REMARKS

The undersigned attorney for Applicant appreciates the Examiner's having conducted a telephone interview including with the inventor, Robert Levy, relating to this application on August 26, 2004. During the interview, the Applicant and the Examiner discussed the non-applicability of the Paizis reference cited in the June 3, 2004 Office Action, which the Examiner has acknowledged.

Claims 1-35 are currently pending in the application. Claims 1-15, 17-24, and 26-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Skinner in view of Paizis. Claims 16 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Skinner and Paizis, and further in view of Homan.

Independent claims 1, 11, 12, 21, 28, 30, 32 and 34 recite a system, method or apparatus for obtaining information about the profile of the work activities of an employee in which there is an analysis of or a market valuation calculated for the work activities including by correlating the work activities of the employee, percentages of time allocated to the work activities of the employee, and salary rates.

The Examiner has asserted that Skinner does not teach a system in which the server calculates a market valuation for the profile of the work activities of the employee including by correlating the work activities of the employee, percentages of time allocated to the work activities of the employee, and salary rates. Instead, the Examiner relies on Paizis for teaching this feature.¹ However, the Paizis system is completely different from the present invention, and thus is inapplicable and not properly combinable with Skinner to render obvious the present invention.

The present invention includes calculating a market valuation for the profile of the work activities, i.e., tasks, of the employee. In contrast, as the Examiner asserts, Paizis is a performance evaluation system. In the Paizis system, the individual is ranked by his or her competency for determining a compensation amount within a predetermined pay range (col. 1, line 64 to col. 2, line 7). Moreover, the "level of contribution" referred to in Paizis relates only

¹ The Examiner does not rely on Homan for teaching this feature.

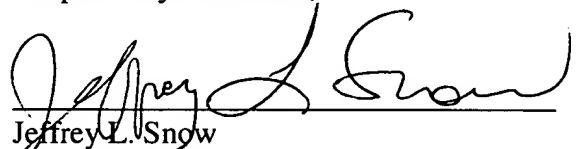
to an evaluation of a level of competence, and in no way relates to the percentages of time allocated to the work activities of a employee from which a market valuation of the profile of work activities is calculated as in the present invention.

Therefore, neither Skinner nor Paizis teaches a system in which a market valuation is calculated for the profile of the work activities of the employee, as recited in independent claims 1, 11, 12, 21, 28, 30, 32 and 34, and these claims are patentable over Skinner and Paizis either alone or in combination.

Dependant claims 2-10, 13-20, 22-27, 29, 31, 33 and 35 depend directly or indirectly from independent claims 1, 11, 12, 21, 28, 30, 32 and 34, and thus contain all of the limitations from the independent claims from which they depend. Therefore, these dependent claims are patentable over Skinner, either alone or in combination with Paizis and/or Homan, for at least the same reasons set forth above with respect to claims 1, 11, 12, 21, 28, 30, 32 and 34.

Applicant submits that all of the claims are now in condition for allowance, which action is requested. Please apply any charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,



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